

REMARKS

Claims 2 and 3 currently appear in this application. The Office Action of October 29, 2008, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Claim Amendments

Claim 1 has been cancelled in new claim 3 has been presented. New claim 3 recites a cyanine dye represented by General formula 2. Support for new claim 3 can be found in the specification as filed at pages 6-8. Claim 2 has been amended to depend from claim 3. Claims 2 and 3 correspond to Group I, which was provisionally elected in the response filed July 29, 2008.

Art Rejections

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Mushkalo et al., CAS Accession No. 1988:133386, 1988.

This rejection is respectfully traversed. Claim 1 has been cancelled and new claim 3 has been submitted. New claim 3 recites a cyanine dye that is represented by General formula 2. It should be noted that the symbol "m" in General Formula 2 is an integer of 2 or larger, which means that the number of carbon atoms in the ethene chain of the claimed cyanine dye is 5 or more.


In contrast thereto, the compounds of Mushkalo only have three carbon atoms in the ethene chain. Therefore, it is respectfully submitted that the Mushkalo compounds are clearly distinguishable from the claimed cyanine dye, at least in the number of carbon atoms in the ethene chain, and that claims 2 and 3 are not anticipated by Mushkalo.

Appln. No. 10/565,592
Amd. dated January 12, 2009
Reply to Office Action of October 29, 2008

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

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